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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, New Zealand, Norway, Portugal, the Republic of Korea, Romania, San Marino, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in light of the results of the elections held in 1990,

Recalling its resolution 54/186 of 17 December 1999, and Commission on Human Rights resolution 1992/58 of 3 March 1992[3] in which the Commission, inter alia, decided to nominate a special rapporteur with a given mandate, and resolution

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

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2000/23 of 18 April 2000[4] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Still gravely concerned at the deterioration of the human rights situation in Myanmar, especially at the unabated suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, as reported by the Special Rapporteur, and deeply concerned that new obstacles have been placed on Aung San Suu Kyi and other National League for Democracy members,

Also gravely concerned that the legal system is effectively used as an instrument of oppression and at the increasing intimidation and detention of lawyers,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Noting with interest the two recent visits to Myanmar by the Special Envoy of the Secretary-General and the cooperation extended by the Government of Myanmar in that regard,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, who still has not been invited to Myanmar, despite assurances by the Government of Myanmar last year that they would seriously consider a visit,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[5] and calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

2. *Urges* the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur, and to allow him urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, thus enabling him fully to discharge his mandate;

3. *Notes with satisfaction* the continued cooperation with the International Committee of the Red Cross, allowing the International Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;

4. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation, and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

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[4] Ibid., *2000, Supplement No. 3* (E/2000/23).

[5] A/55/359.

5. *Expresses its grave concern* at the increasingly systematic policy of the Government of Myanmar to persecute the democratic opposition, National League for Democracy members, sympathizers and their families, and ethnic opposition parties, and at the use by the Government of intimidatory methods such as arbitrary arrest and detention and abuse of the legal system, including harsh long-term prison sentences, mass rallies and media campaigns, which have forced many to refrain from exercising their legitimate political rights;

6. *Urges* the Government of Myanmar to cease, without delay, all activities aimed at preventing the free exercise of internationally recognized human rights, including freedom of association, assembly, movement and speech, and in particular to remove all restrictions on the freedom of movement of Aung San Suu Kyi's and other National League for Democracy members and on their freedom to communicate with the outside world;

7. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, including journalists, to ensure their physical integrity, and to permit them to participate in the process of national reconciliation;

8. *Expresses its concern* that the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek new and constructive ways to promote national reconciliation, and to restore democracy, through, inter alia, the establishment of a time frame for action;

9. *Strongly urges* the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy, in accordance with the will of the people, as expressed in the democratic elections held in 1990 and, to that end, without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups and, in that context, notes the existence of the Committee representing the People's Parliament;

10. *Notes with grave concern* that the Government of Myanmar has failed to cease its widespread and systematic use of forced labour of its own people or to implement any of the three recommendations of the International Labour Organization on that issue; this failure has compelled the International Labour Organization strictly to limit further cooperation with the Government and has prompted the International Labour Conference to adopt, subject to certain conditions, a number of measures to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29);

11. *Takes note* of the recent visit by the technical cooperation mission of the International Labour Organization to Myanmar and the cooperation extended to the mission, while awaiting the result of the mission;

12. *Strongly urges* the Government of Myanmar fully to implement concrete legislative, executive and administrative measures to eradicate the practice of forced labour, in conformity with the relevant recommendations of the Commission of Inquiry;

13. *Welcomes* the reopening of most university courses but remains concerned that the right to education continues to be a right that is exercised only by those willing to refrain from exercising their civil and political rights and concerned at the reduction in the length of the academic year, the division and separation of the student population to distant campuses, and the lack of adequate resources;

14. *Deplores* the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, use of anti-personnel land mines, destruction of crops and fields, and dispossession of land and property, which deprives these persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, thus causing negative effects for these countries, and an increasing number of internally displaced persons;

15. *Urges* the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration in conditions of safety and dignity, and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

16. *Also deplores* the continuing violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, trafficking, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;[5]

17. *Strongly urges* the Government of Myanmar to implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women, and to carry out human rights education and gender-sensitization training, in particular for military personnel;

18. *Deplores* the recruitment of children as soldiers, in particular children belonging to ethnic minorities, and strongly urges the Government of Myanmar and all other parties to the hostilities in Myanmar to end the use of children as soldiers;

19. *Expresses its concern* at the growing incidence of HIV/AIDS infection and urges the Government of Myanmar urgently to address this issue which will have a serious long-term impact on the development of the Union of Myanmar, and to ensure that the health system receives sufficient funding to enable health workers to meet the rights of all people to the highest possible standard of health care;

20. *Expresses its grave concern* at the high rates of malnutrition among pre-school-aged children, which constitute serious violations of their rights to adequate food and the highest attainable standard of health, and may have serious repercussions for the health and development of the affected children;

21. *Strongly urges* the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to restore the independence of the judiciary and due process and to end the impunity of and bring to justice any perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

22. *Welcomes* the report of the Secretary-General on the visit of his Special Envoy to Myanmar,[6] endorses the appeal of the Special Envoy for the initiation of a process of dialogue that would lead to national reconciliation, and supports his efforts to achieve such a dialogue;

23. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-fifth session on the progress of these discussions, and to report to the Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session on the progress made in the implementation of the present resolution;

24. *Decides* to continue its consideration of this question at its fifty-sixth session.

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[6] A/55/___.